

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JAMES HAYDEN,	)	Case No. 1:17-cv-02635
	)	
Plaintiff,	)	Judge Christopher A. Boyko
	)	
vs.	)	
	)	
2K GAMES, INC. and TAKE-TWO	)	
INTERACTIVE SOFTWARE, INC.,	)	
	)	
Defendants.	)	

**DECLARATION OF ANDREW ALEXANDER**

1. I, Andrew Alexander, submit this Declaration on behalf of James Hayden (“Mr. Hayden” or “Plaintiff”) in support of Plaintiff’s Motion and Brief in Support to Exclude the Expert Testimony of Dr. E. Deborah Jay.

2. I am an Attorney at the law firm Calfee, Halter & Griswold LLP.

3. Attached as **Ex. A** to this Declaration is a true and correct copy of Defendants’ NBA 2K Video Game Survey and Report of E. Deborah Jay, Ph.D., served on May 27, 2021.

4. Attached as **Ex. B** to this Declaration is a true and correct copy of excerpts from the transcript of the deposition of Dr. E. Deborah Jay that occurred on August 24, 2021.

5. Attached as **Ex. C** to this Declaration is a true and correct copy of the Rebuttal Expert Report of Dr. H. Tolga Bilgicer, served on July 1, 2021.

6. Attached as **Ex. D** to this Declaration is a true and correct copy of the Rebuttal Expert Report of Dr. Justin Lenzo, served on July 1, 2021.

7. Attached as **Ex. E** to this Declaration is a true and correct copy of Shari, Diamond, *Reference Guide on Survey Research, Reference Manual on Scientific Evidence*.

8. Attached as **Ex. F** to this Declaration is a true and correct copy of the Defendants' Supplemental Report of E. Deborah Jay, Ph.D, served on August 13, 2021.

9. Attached as **Ex. G** to this Declaration is a true and correct copy of excerpts of the Software Survey Report authored by Dr. E. Deborah Jay, Ph.D in connection with *Lucent Technologies, Inc. v. Microsoft Corp.*, Case No. 07-CV-2000 (S.D. Cal.).

I, Andrew Alexander, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: October 25, 2021

/s/ Andrew Alexander  
Andrew Alexander